IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Crl.M.C.No. 2494 of 2007()

C.C.NO.295/07 OF J.F.C.M, KAYAMKULAM

PETITIONER:1ST ACCUSED

GEORGE SAMUEL,
VALIYAPARAMBIL HOUSE,
MANKAMKUZHI P.O,
VETTIYAR MURI, VETTIYAR VILLAGE,
MAVELIKKARA.

BY ADV. GEORGE VARGHESE PERUMPALLIKUTTIYIL
A.R.DILEEP
KAVITHA GANGADHARAN

RESPONDENTS: COMPLAINANTS

---

1. R.BHASKARAN NAIR, KALEECKAL HOUSE, MATTOM SOUTH MURI, KANNAMANGALAM VILLAGE, MAVELIKKARA TALUK, ALAPPUZHA DISTRICT.

2. T.RADHA, SACHU'S HOUSE, KARIMULACKAL, KOMALLOOR.P.O, CHUNAKKARA VILLAGE.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2494 of 2007

Dated this the 3rd day of August, 2007

O R D E R

The petitioner is the 1st accused in C.C.No.295 of 2007 now pending on the file of the Judicial Magistrate of the First Class, Kayamkulam and C.C.NO.82 of 2007 pending before the Judicial Magistrate of the First Class-I, Harippad. Both these cases were earlier pending before the learned Judicial Magistrate of the First Class, Mavelikkara as C.C.No.296 of 2007 and C.C.No.61 of 2007. As the contestants happen to be lawyers practising before the courts at Mavelikkara, the learned Chief Judicial Magistrate, it is submitted, had withdrawn both the cases and made them over to the different courts before which the cases are pending now. According to the petitioner, that two matters are so integrally connected with that disposal by the same Magistrate will advance interests of justice. He has therefore come to this Court with a prayer to invoke powers under Section 482/483 Cr.P.C.

2. I feel that the petitioner has unnecessarily come to this Court. The petitioner must certainly have moved the learned Chief Judicial Magistrate under Section 410 Cr.P.C on the administrative side or the learned Sessions Judge under Section 408 Cr.P.C on the judicial

side for the relief. The petitioner need only file a memo before the learned Chief Judicial Magistrate and the learned Chief Judicial Magistrate, considering the circumstances, has to take a decision as to whether further withdrawal and making over under Section 410 Cr.P.C is necessary or not. If the learned Magistrate does not do the needful, needless to say that the petitioner can approach the learned Sessions Judge under Section 408 Cr.P.C by filing an application for transfer.

3. This Crl.M.C is, in these circumstances, dismissed with the above observations. Hand over a copy of this order to the learned counsel for the petitioner who can produce this order along with memo under Section 410 Cr.P.C before the learned Chief Judicial Magistrate.

(R.BASANT, JUDGE)

rtr/-